



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 29, 1994

Mr. Charles H. Weir  
Assistant City Attorney  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR94-422

Dear Mr. Weir:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (formerly V.T.C.S. article 6252-17a).<sup>1</sup> Your request was assigned ID# 25111.

You received a request for information under the Open Records Act, dated November 19, 1993. In a letter dated December 1, 1993, you informed the requestor that you would not release the requested information. However, you did not request a decision from this office until March 1, 1994. Consequently, you failed to request a decision within the 10 days required by section 552.301(a) (formerly section 7(a)) of the act.

Sections 552.301 - .302 (formerly section 7(a)) of the act require a governmental body to release requested information or to request a decision from the attorney general within 10 days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within 10 days of receiving a request for information, the information at issue is presumed public. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. *See id.*

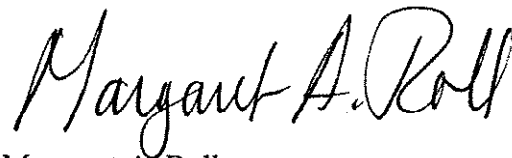
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<sup>1</sup>The Seventy-third Legislature codified the Open Records Act as chapter 552 of the Government Code and repealed article 6252-17a, V.T.C.S. See Acts 1993, 73d Leg., ch. 268, §§ 1, 46. The codification of the Open Records Act in the Government Code is a nonsubstantive codification. *Id.* § 47.

You have not shown a compelling reason why the information at issue here should not be released. The information is presumed to be public and must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/pir/rho

Ref: ID# 25111

Enclosures: Submitted documents

cc: Mr. Randall Jackson  
Speiser, Krause, Madole & Mendelsohn  
2600 NationsBank Plaza  
300 Convent Street  
San Antonio, Texas 78205  
(w/o enclosures)